

REPORTS AND ADDRESSES

OF

JAMES H. TITUS,

UPON THE SUBJECT OF

**CAPITAL PUNISHMENT.**

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PUBLISHED BY THE NEW-YORK STATE SOCIETY

FOR THE

**ABOLITION OF CAPITAL PUNISHMENT.**

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## THIRD ANNUAL ADDRESS,

*Of the New York State Society for the Abolition of  
Capital Punishment.*

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At a Meeting of the Society, February 27, 1847, JAMES H. TITUS, Esq., on behalf of the Executive Committee, presented the following Address, which the Society adopted and ordered to be published:

Another calendar year has passed away, and with it closed a political year. We have lately entered upon a new period of time, and upon another political term. On such occasions, citizens who feel the responsibility of the duties incumbent upon them in their respective spheres of action, find it a profitable employment to revise the history of the past, and to plan and determine with reference to the future. This rule of conduct, so wise in its nature and so beneficial in its operations, should prevail with associations as well as with individuals; and it is somewhat in conformity with these considerations that the officers of the "State Society for the Abolition of Capital Punishment," feel it incumbent upon them to issue this address to its members and friends.

The existence of this "State Society for the Abolition of Capital Punishment" had its origin more than two years since in the increasing conviction, which was manifested through all sections of the State and with all classes of citizens, against the idea of the propriety or necessity of the death penalty. The object of the association is to show that this dreadful exaction of the law is as needless for the protection of society as it is unwarranted in principle—to cherish that feeling of hostility to the gallows which results from the investigation of the subject of capital punishment—to propagate the doctrine that the sacredness of human life places it above the reach of civil authority—to prove that the death penalty is as demoralizing in effect as it is anti-Christian in its nature—and finally, that its infliction is an irremediable outrage upon an immortal soul, involving an assumption of power over human life, which as regards civil authority, amounts to a sacrilegious invasion of the prerogative of the Almighty. The plan of action of the society, since its organization, has been to stimulate the exertion of individuals in the dissemination of its principles—to concentrate into an efficient force the amount of conviction produced in favor of those principles—and thus to promote the measures and means whereby, ultimately, the humane object of the association may be obtained.

In the revision of this history of the society we find full warrant for congratulation and encouragement. Its principles have made rapid progress in the favorable estimation of many intelligent and virtuous citizens, who heretofore have been either active defenders or else pas-

sive supporters of the gallows. The operations of the society have roused a spirit of inquiry relative to the propriety and necessity of capital punishment, which we claim to be an earnest of the success with which our efforts shall in time be rewarded. Many of those obstacles, arising from prejudices or accidental habits of thought, by which the progress of this movement of reform was at first greatly embarrassed, begin now to give way under the influence of critical examination and calm reasoning. The adventitious advantage heretofore possessed by our opponents, derived from that religious respect entertained by many for the imperative acceptation of the text in Genesis, which it has been claimed prescribed the sacrifice of the murderer as an atonement for the blood which had been shed, now no longer prevails to the extent it did previous to the deliberate discussions and intelligent investigations of the subject, which have been instigated in this country and in Europe through the instrumentality of this society and of others of like character. A few years since notwithstanding the progress of merciful reform—attained with reference to the punishment of crimes heretofore liable to the death penalty—the proposition to spare also the life of the murderer could find but a few solitary advocates. History, however, in defence of the honor of humanity teaches us through all ages, and in all nations, when and wherever intelligence and refinement have prevailed, then and there always have been found some individuals of estimable reputation with their generations whose minds were not so trammelled by the blind veneration of the customs of ancestors, nor so controlled by the dicta of doctors of divinity and of the learned in the law, but that they could discern errors which had been entailed upon them, and act independently in efforts to establish what they consider the truth.

Such men we find speaking boldly against the requisition of the death penalty—like Sabachus, Porcius and Cicero, of ancient times—like Baccaria, Howard and Lafayette in modern Europe—like Penn, Franklin, Tompkins and Livingston, in our own country—these men's voices, in their day, were raised almost singly against capital punishment, and their doctrine appeared to astound those whose attention they arrested; now those who speak against the death penalty are no longer found to be a few in number and speaking in an isolated manner—but the advocacy of the righteous reform is heard in persuasive and loud language from multitudes. The change of public opinion on this subject, with most nations and states, already has removed many bloody spots from their criminal statutes—and we now seldom hear capital punishment advocated, except as an atonement for murder. With reference to the progress of the meliorations of law in its penal exactions, Mr. Rantoul, in a late communication to the Legislature of Massachusetts, makes this pertinent remark, which we commend to the serious attention of all our citizens, and especially of our legislators. “Most of those who have regarded with favor existing death penalties, have united in the chorus of the condemnation of those which have been repealed; so that no sooner is any one item striken from the bloody catalogue, than the voices of its former defenders are silenced, and all the world seems to discover at once that it

has been practising for ages, without a shadow of justification, a revolting cruelty."

In this rapid growth of opinion against the bloody requisitions of criminal laws, we recognize clear evidence of the truth and righteousness of the reform we advocate—and from it we should feel encouraged to persevere in our efforts until we dislodge the advocates of capital punishment from their last resort, that "City of Refuge" into which they retire, as if into a sanctuary, to sacrifice the murderers whom alone they now claim as appropriate victims for their altar. Even now we discover upon the portals of that false sanctuary the decay of the inscription, "Whoso shedeth man's blood, by man shall his blood be shed;" which like some charmed motto in an age of superstition, has had the effect to repulse many whose feeling and judgment had prompted them to advance in aid of the entire overthrow of the gallows. The change of sentiment in favor of the proper estimation of the sanctity of human life, which has already removed so many bloody stains from the criminal code of the present age and now only sanctions that which relate to murder—will soon in every civilized and christian land so transfigure that charmed inscription, that the gallows will no longer be able to resist the force of enlightened public opinion, but will fall never more to rise until heathenism and superstition supplant civilization and revealed religion.

We desire not to be misapprehended in these remarks relative to the scripture authority for the death penalty as claimed by our opponents. If, as they assert, the gallows has not only its sanction in the word of God, but is strictly enjoined as a duty; and that too in language which makes it as obligatory upon us, who are enjoying the light of christianity and all the privileges of civilization, equally as it may have been upon those who were existing under clouds of superstition and embarrassed by all the disadvantages of heathenism—if indeed we could so read and apprehend the scriptures, then should this address be considered sacrilegious, and the existence of our society should be reprobated as an act of impious rebellion against the supreme ruler. We, however, take courage and rejoice because "we have not so learned Christ."

This is not the age nor the country in which either the dogma of doctors of divinity, the dictates of doctors of law, the laws of legislators, nor the councils of commentators can prescribe limits to the independent exercise of criticism and of private judgment. Neither will those who feel it to be alike their privilege and their duty to contend for reforms, be discouraged from their efforts by being denominated with the appellations of disorganizers, innovators, and infidels. These injudicious ebullitions of taunt, so frequently emitted against reformers, can never prevail as arguments to controvert principles having their foundation in truth; and those, who with virtuous motives oppose error, however much it may be sanctified by age, or sanctioned by "orthodox authority," can, with entire complacency, allow themselves to be called by hard names for their faithful investigations, and their independence of adventitious authority, when they recollect the justification of independent inquiry and of private judgement contained in

the encomium of the Apostles, when they said, "The Bereans were more noble than those in Thessalonica, in that they searched the Scriptures daily, whether these things were so."

The history of nations teaches us to scrutinize with care and jealousy all religious pleas advanced in support of doctrines and practices which outrage humanity. The crucifixion of our Saviour, and the martyrdom of the Apostles and the early disciples, tell what was done in those days in the name of religion. And ever "since the Redeemer walked with man," such enormities as were committed by crusaders in the Holy Land, such sufferings as were inflicted by the priests of the church of Rome in the inquisition, such murders as were perpetrated by the authority of the church of England :

"The midnight of Bartholomew—the stake  
 "Of Smithfield, and that thrice accursed flame  
 "Which Calvin kindled, by Geneva's lake:  
 "New England's scaffold, and the priestly sneer  
 "Which mocked its victim in that hour of fear,  
 "When guilt itself a human tear might claim—  
 "Bear witness, O thou wrong'd and merciful One  
 "That earth's most hateful crimes have in Thy name been done!"

About a year since this society printed, and caused to be extensively circulated, the able address presented by the Rev. W. S. Balch, at its annual Meeting. In that address two questions were propounded, relative to the promotion of the object of the association, viz: "What is to be done?" and "How are we to work to the best advantage?" The answers made were as pertinent in their character as the interrogations were judicious in their purport. We think we cannot do better service to our cause than to repeat in substance those replies.

*First.*—Let strenuous efforts be made by each member and friend of the society, to support some newspaper or periodical journal which shall be the organ of the association and the expositor of its principles. Such an arrangement would afford the most convenient and efficient medium through which to circulate the information and arguments desired to be put forth; and it would be a powerful auxiliary to keep an organization, to combine the efforts and strengthen the bonds of friends and to afford the means for cheap correspondence with individuals and societies.

*Second.*—The establishment of local societies in all counties and principal towns, as auxiliaries to the State Society, is much needed, in order to complete its design, and render it efficient. Several such societies have been established, and their influence manifested in the promotion of this benevolent reform. We again urge upon such societies the frequent discussion of the question, and constant efforts to circulate information, facts and arguments, relative to the impropriety and uselessness of the death penalty. Let it be shown how much greater propriety and efficiency there is in those mild means of restraint from crime and of protection to society, which conform to the merciful spirit of the Christian religion.

*Third.*—Individual efforts should be the chief dependence as a foundation upon which the superstructure intended for the promotion of our object must rest. Let each, fully appreciating his own responsibility

in the matter, exert in his sphere of action all the influence he may possess, collect what means and materials he may obtain, and present them as his contribution towards the great and good work. These individual and distinct efforts, though moderate in themselves, will in the aggregate constitute a force sufficient to determine public opinion in our favor, and thus secure the opportunity of obtaining such legal enactments as shall remove from our State every vestige of the gallows.

*Lastly.*—Our efforts to establish the proper appreciation of the sanctity of human life must not be circumscribed by the limits of our own State. The application of our efforts in this work of love, like the exercise of charity, should commence at home; and then, recognizing no limits of state or of nation, should reach to the most remote regions, wherever life is claimed a sacrifice for crime.

Several state societies have been organized, and also a national one. Between these and our association, communications have been interchanged. In Europe we hear of this movement of mercy being advocated by those who are particularly known for their intelligence and benevolence; and there, as in this country, the societies for the abolition of capital punishment are constituted of men conspicuous for their efficient aid in the promotion of those measures of reform by which the rights of individuals have been made more secure, and the condition of society greatly improved.

In this connection we cannot avoid a brief notice of a public meeting held at Exeter Hall, in April last. The hall is represented to have been crowded, and many of Great Britain's most estimable and conspicuous citizens were there taking prominent parts. Amongst whom are mentioned, Lord Nugent, Daniel O'Connell, M. P., John Bright, M. P., the Rev. Mr. Christmas, the Rev. Dr. Mortimer, Mr. Sergeant Gunning, W. J. Fox, Esq., Mr. Samuel Gurney, Rev. Dr. Campbell, Rev. Dr. Candish, G. W. Alexander, Esq., &c. Mr. F. Rowton and Mr. Gilpin acted as secretaries. Wm. Ewart, Esq., M. P., (the father of the House of Commons, as he is sometimes called,) upon taking the chair, said "he accepted the honor which was thus conferred upon him with feelings of emotion, which he might almost increase into the term of oppression, when he saw the cause which he and his friends had been advocating through many adverse circumstances, and with many combined parties against them, at length on the road to triumph—for triumph it must when it was responded to by such a vast and enlightened assembly as he then saw before him, and when he knew their voices would be re-echoed by a corresponding sympathetic tone from almost every part of the United Kingdom."

He stated further, "that ever since he had the honor of a seat in the House of Commons—now somewhere near eighteen years—he had advocated the cause to which, on that day, they had met to consecrate their endeavors. To that cause he remained faithful; and to that cause he would remain faithful, not only so long as he had a voice in Parliament, but, he would venture to say, so long as he existed." These remarks of the venerable advocate of our cause, drew forth from the meeting enthusiastic applause, and he proceeded to give an account of the progress of the abolition of capital punishment under his own

observation as a legislator. He stated that the advocates of the gallows had been "driven from point to point, until at last they took their only refuge in asserting that capital punishment ought to be retained for the crime of murder. He remembered when it was said that the punishment of death should be retained for such crimes as sheep stealing, house breaking, cattle stealing, and forgery. How came it that this special stand was made on the ground of murder? When capital punishment was sought to be abolished for sheep stealing, a certain member of the agricultural body stood up and said, on that special ground he should object to its abolition. When it was proposed to be abolished for stealing £5 in a dwelling house, a celebrated member of the House of Commons said he would not trust a domestic servant if it was abolished.

"When capital punishment was proposed to be abolished for the crime of forgery, another individual stood up and said, if it were abolished commercial credit would be at an end." This honorable and benevolent statesman reminded his distinguished and intelligent hearers that the death penalty had been abolished as applicable to all those crimes, and it had been proved by the statistical returns made to Parliament, at the suggestion of his friend, Mr. Wrightston, as executions had decreased, there had been also a decrease in the number of committals for crime;—that as, on the one hand, executions had diminished, so, on the other hand, crime had also diminished.

After the honorable Chairman had concluded his remarks, the Secretary read a letter from the honorable Richard Cobden, the leader of the free trade party. His reputation for intelligence and purity of character, will render acceptable an extract which we take the liberty of making:

"In my opinion there are but two rational objects to be sought in the punishment of criminals, viz: the reformation of the offender, and reparation to society for injury done. But I could never see how the strangling of men could possibly accomplish either of these ends. There is one plea still put forth in favor of death by hanging, which used formerly to be adduced in defence of burning, racking, gibbetting, and quartering—I mean the necessity of striking terror by example. If there be any force in this argument, we ought to go back to the greater wisdom of our ancestors and light up the fires of Smithfield again, or decorate Temple bar with the heads of malefactors. Without taking those higher grounds which the genius of Christianity, if not its direct precepts, afford for opposing capital punishments, I hold that the system is totally indefensible on the score of utility; and I hope I shall live to look back upon the barbarous and brutal exhibition of the gallows as a thing of the past times, only to be remembered as affording proof of our own advance in civilization and humanity."

After this letter had been read, Lord Nugent addressed the meeting, adducing in an eloquent manner forcible arguments to show the unjust character and the pernicious effects of executions. The honorable lord was followed by John Bright, Esq., M. P., whose remarks were of a most persuasive character. He was followed by the eloquent Daniel O'Connell, who interested the meeting with a recital of his ob-

servation and experience of the unjustifiable character and evil effects of capital punishment. If our limits would allow we should be glad to notice the remarks of Mr. Samuel Gurney, the Rev. Mr. Christmas, and of the other distinguished members of that meeting, in order to show by what force of character, as well as of argument, our cause is advocated in Great Britain.

It should be the care of our society and its friends to encourage frequent communications with the different societies in this country and those abroad. By such interchange of intelligence and co-operation of labors, public opinion will soon, like a fallow field, be so readily prepared for the dissemination of our principles, that they will quickly grow up and ripen; and then, in due season, our labors will be rewarded with a full harvest of success, in the total abolition of the gallows from the face of the earth.

The actions of our public men, and of our legislative bodies give evidence that the abolition of capital punishment is seriously agitating the whole community. This society, from its first institution, has constantly been in the receipt of letters from many of our most distinguished statesmen, asking for information and documents on the subject. Memorials have been presented in Congress demanding the reform, and the propriety of it eloquently urged by the venerable John Q. Adams. In the legislatures of Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Ohio, Missouri, Alabama, Tennessee, Louisiana, and we believe of other States, the subject has been introduced upon memorials, grave discussions have been had, and the cause has received the support of intelligent and respectable minorities.

The free investigation and serious discussion of the subject in legislatures, in addition to a favorable effect upon the public mind, has, in several cases, operated in a measure, to produce in practice the attainment of the desired object. In the states of Maine and Vermont the death penalty has been limited to murder and treason, and provisions made that the execution shall not take place within one year from the date of the sentence—*nor then*, unless a warrant shall be issued by the executive commanding the sheriff to cause the sentence to be executed. As the issue of the warrant is not made obligatory, the executives have enjoyed the privilege of withholding the warrants, and the result in those states has been a practical abolition of the death penalty—and such will always be the case whenever the execution of that horrid penalty is left to the discretion or will of an individual.

In the legislature of Massachusetts the abolition of the death penalty has for many successive years been demanded by memorials from many of its most virtuous and intelligent citizens, and able reports have been made in favor of the wishes of the memorialists. The one presented by Robert Rantoul has done most efficient service to our cause throughout the whole Union, and should be read by all who are anxious to have their opinions on this subject based upon the result of serious investigations and critical examinations, and not upon prejudice, and an accidental habit of thought. The effect of the learned and serious discussions on the death penalty which have of late years pre-

vailed in that state, has been such as to induce its executive, in most cases, to grant commutations to imprisonment for life.

In Connecticut treason and murder are the only crimes punished by death, and the time for the execution of the sentence is appointed so as to allow a session of the Legislature to intervene—the power of commutation being vested in that body. But we find in this, as in all cases, that men acting collectively or in the representative capacity, are neither as scrupulous in their actions, nor as merciful in their feelings, as when they act as individuals on their own personal responsibility. In Massachusetts commutations through the Executive are often obtained; in Connecticut the Legislature seldom grants one. We believe if the execution of the death penalty after due legal conviction and sentence, was always left to the discretion and will of the Executive, or of any other individual officer of government, the gallows would seldom receive its promised victim. Such an arrangement of the law would result practically in the total abolition of capital punishment. Let any virtuous man ask himself the question, if the life of a murderer was left with him, either to be prematurely or unnaturally taken away, or allowed to be spent in prison during its natural term, whether he would be the instrument, even in the representative capacity of the agent of government, to curtail that period of life allotted to the wretched convict by his Creator. We repeat our conviction, that in such a case no virtuous man, acting with reference to his justifiable feelings of commiseration, or in obedience to the scruples and promptings of his conscience, would ever take the life of a criminal. If this be so, how stands the case?—Are not we, as a community, through the instrumentality of judicial executives and ministerial officers, doing that which as individuals we ourselves would not do, although clothed with absolute authority, and acting as the mere agent of government? Let legislators, when they refuse to substitute imprisonment for life in the place of the death penalty—when they give their aid in the support of the gallows, and command our judicial, executive and ministerial officers, to continue to sue for, to decree, and to execute the death penalty—let them, we say, recollect that they are requiring from others, as their agents, the performance of acts which they themselves, as individuals, free to act according to their own discretion or will, would never do—let them bear in mind that maxim, which is as true in morals as in law—“qui facit per alium facit per se.”

The serious consideration of the sanctity of human life, and the critical examination of the effects of sanguinary laws entertained by the statesmen of Pennsylvania, Ohio, Tennessee, and Mississippi, have resulted in cleansing their criminal codes of all traces of blood, except for the crime of murder; and we believe it is retained with them for the crime, as in all cases, not so much upon the conviction of its necessity, for the protection of society, as in conformity with the custom and idea of our ancestors, of exacting a measure of revenge and retribution which it is deemed nature demands, and revealed religion sanctions.

In the States of Maine, New Hampshire, Vermont, Connecticut, New Jersey, Indiana and Illinois, the proper estimation of the sanctity

of human life, together with the conviction of the evil effects of sanguinary laws, has so far prevailed with their legislators as to restrain the death penalty to but two crimes—treason and murder.

In Rhode Island, murder and arson are the only crimes for which the forfeitures of life is required.

In all the other states of the Union, with the distinguished exception of Michigan, the Draconian spirit more extensively prevails in their criminal codes, so as to include from four up to eight different crimes.

In the code of the Union, the prerogative of taking of life remains, is so barbarously amplified as to include eleven distinct crimes.

We notice these particulars relative to the laws of the different states, to show not only what has been the advance of public opinion in favor of the melioration of the penalties in criminal codes, but also at the same time that it may be seen by the contrast, that those states where the laws are most sanguinary, do not by that additional cruelty obtain for their citizens any greater security in life, liberty, or the pursuit of happiness, than is enjoyed where murder alone pays the death penalty.

It is now nearly one year since the State of Michigan enacted the total abolition of capital punishment. We cannot claim as yet that a sufficient period of time has elapsed to warrant us in citing that law and the experience under it, in proof of our position, that the sanctity of life is equally respected where the death penalty is totally abolished, as where it is exacted with the greatest rigor. This much we are warranted in asserting already, that thus far the humane reform has given no occasion for regret in Michigan; and we have the firm belief it is only because sufficient time has not elapsed, that we are prevented from producing the testimony of her criminal records to speak unequivocally and persuasively in the advocacy of our cause. We predict, with full confidence, that the experience of Michigan, under the total abolition of capital punishment is destined to be such as will not only secure to her legislators an enviable reputation in the history of the criminal jurisprudence of the age, but will also give such sanction and impetus to the humane spirit of reform, through which she has been disenthralled, as will cause its truth to be recognized, and its influence so felt throughout the Union, that every State and the whole nation before this century has closed, will declare through their respective legislatures, the death penalty shall never more be pronounced. Let not this prediction be scoffed at as the dream of wild enthusiasm. We are warranted in these our happy anticipations by the history of all nations in their experience under merciful laws; and with reference to the abolition of capital punishment, we can cite as proof of its success many conspicuous instances. We name Rome for three hundred years under the Porcean law. Egypt for fifty years under Sabachus. Russia since the time of the Empress Elizabeth, Bombay under the administration of Sir James McIntosh, Belgium, so long as the experiment was fairly tried—and Tuscany for twenty-five years under the grand duke Leopold. These historical instances of the successful result of the abolition of capital punishment are authentic, and standing un-

impeached and uncontroverted, except so far as the naked contradiction and sophistical perversions of our opponents may prevail, afford us full warrant for our sanguine hopes relative to the future experience and example of the State of Michigan.

The only abatement to the great gratification which the society and its friends derive from the noble example of Michigan, arise from the disappointment we feel in not having secured to our own state the honor of being foremost in the accomplishment of this praiseworthy reform. This laudable jealousy shall not detract from the well earned glory of our sister state; but it must serve as a stimulus to urge us on to renewed efforts, and prompt us to be second only to Michigan in this truly Christian race. The intelligent and virtuous character of the citizens of the State of New York; their reputation for alacrity and energy in every enterprise of political or moral reform; in connection with the consideration of the early movement of many of her distinguished citizens, and of the elaborate discussions and reports on the subject in our legislature, all conspired to induce the belief that she would have been the first state to enact the total abolition of capital punishment; but this honor has been the lot of a junior sister. Let her success, and the considerations to which we have just referred, serve to prevent any further procrastination of the accomplishment of the object for which our society was instituted.

At the commencement of the session of our legislature of 1846, great hopes were entertained that the desired law would have passed at least the House of Assembly. A select committee of five members was appointed to take the subject into consideration. The committee as constituted, was found to be four in favor, and one opposed the wishes of the memorialists. There were received in the Assembly, one hundred and thirteen separate memorials from various counties, containing in the aggregate seven thousand five hundred and eighty signatures; and but one remonstrance, being from the single county of Orange, and containing only one hundred and twelve signatures. The numerous memorials and the one remonstrance were referred to the committee at a period of the session, which should have secured an early report and prompt action of the House. A combination of untoward events disappointed these reasonable expectations. The chairman of the committee (Mr. Titus, from New York,) although an earnest and sincere advocate of the desired reform, was prevented, by a press of other urgent business committed to his charge, from making his report until nearly the close of the session. He, however, introduced at an earlier period two bills providing for the object of the memorialists, and succeeded in obtaining a resolution of the House, appropriating a particular time for the consideration of the bills reported by a majority of the committee. When the appointed time arrived, other bills, through the influence of interested parties, superseded the special order; and subsequently by the crowd of business usual at the close of a session, together with the backwardness of prominent politicians to place themselves on the record either for or against the abolition of capital punishment, prevented the frank and

independent friends of the measure from obtaining action on the subject.

At a meeting of this society in November last, resolutions were passed urging the importance of obtaining memorials to the legislature from every part of the state. The executive committee thereupon, prepared a memorial containing, concisely, heads of arguments upon which the reform is advocated, and had a large edition of the same printed, copies of which were sent into every county in the state. The good effect of this measure is apparent at this time in the legislature. Scarcely a day passes but that one or more of them is presented by representatives of different counties. A select committee has been appointed in the House of Assembly to consider the subject, a majority of which are favorable to the wishes of the memorialists, and a bill has been introduced in conformity therewith. The chairman of the committee has lately addressed a letter to the agent of this society, stating that he will, in a few days present his report, which will be signed by a majority of his associates—and that they have good reasons to hope that it will be sustained by a majority of the House, we look with interest for the appearance of the report, as we are assured it will be an able argument in support of our cause.

Although the reform advocated by our society may not have made all the progress which the benevolent enthusiasm of its members had anticipated, still we think there is great cause for congratulation for what has already been done. When we look over the statute books of our states, or turn to those of Europe, and notice how many bloody spots have been erased under the working of that spirit which completed the institution of this association—when we recollect that at the commencement of the present century, “the mild sunshine of the gospel day” was scarcely perceptible in the gloomy halls of criminal justice, and that there were then to be seen throughout Christendom, under the direction of the ministers of that justice, many “foul altars, streaming with blood.” When we recollect that even as late as that period the gallows stood boldly forth in the face of refined civilization and revealed religion, in a heathen like and barbarous manner exercising its bloody despotism; and when we recollect that then but few would be found to raise their voices in opposition to the sway of that anti-Christian and inhuman monstrosity—when this review is made in contrast with the reform which has since occurred, and with the merciful feeling toward the criminal which now prevails in every civilized land, then it is that we can enjoy the grateful conviction that the spirit of love prescribed by the Redeemer as the means of moral reform, is rapidly becoming the recognized principle of criminal jurisprudence.

It is not only against the bloody requisitions of the criminal law, that this spirit of love is doing its benign and God-like work, but it is exerting its benevolent influence in favor of the “lost sheep” in every step of his unfortunate wanderings. The innocent debtor is no longer allowed to remain locked up in a goal, there to waste his time and energies as an appeasement to the anger of his merciless creditor. The drunkard can now rise from the gutter, and find in the halls of the Washingtonians warm hearts to cheer him in his desolation, judicious

heads to counsel him in his distraction, and liberal hands to relieve his necessities.

The criminal, even whilst in his abode of gloom and of disgrace, is visited by the missionaries of the Spirit of Love and is comforted and instructed during the period of his imprisonment; and if the gates are opened for him again to return to society, he is no longer forced to look upon it as a dreary waste where no green spot remains for him, but he is told and taught to know there are individuals and associations ready and anxious to extend to him encouragement and support. But this beautiful aspect of moral reform is marred by the existence of one horred defect. The gallows still obtrudes its cruel features upon society—and the capital criminal (of all others, most to be pitied) is left alone without the consolation or the sympathy which is so mercifully and liberally extended to every other "lost sheep."

Yes, whilst we behold throughout our happy land asylums erected for the children of misfortune—homes for the destitute—work houses for the vagrants—sanctuaries for penitent convicts—all enlivened "by the mild sunshine of the Gospel day," still at the same time we see the criminal left writhing in his solitary attitude of despair, entirely shut out by a black cloud of superstition from the benign influence of those glorious rays. Fellow members of this society, fellow citizens; fellow Christians—this melancholy, this pitiable, this unjustifiable exception in the working of Gospel reform should never have existed. This society calls upon all its members, upon all citizens, upon every Christian to co-operate in exertions for the overthrow of the gallows.

Let each of us enlist in this work of merciful reform, our brothers and our sons; especially let us bring forward the aid of our wives and of our daughters. Woman has always been the most efficient and steadfast in every sphere of the work of love and mercy. She of all the mourners stood nearest and remained the longest by the bloody cross of the Redeemer. She was the first to appear at his tomb on the morning of his resurrection. Let her, with that spirit of action which has ever adorned her character, and with that steadfastness which has ever rendered powerful her aid, join with us in this our praiseworthy effort to extend to every criminal his share of the mercy prescribed in the Gospel.

Fellow members—If we can arouse our fellow citizens and fellow Christians to a proper investigation of the true nature of capital punishment, we will soon have their co-operation, and then will each of us be able to congratulate the other, in the words of a poet, who has written thus beautifully on the subject:

"Thank God! that I have lived to see the time  
 "When the great truth begins at last to find  
 "An utterance from the deep heart of mankind,  
 "Earnest and clear, that all revenge is crime!  
 "That man is holier than a creed—that all  
 "Restraint upon him must consult his good,  
 "Hope's suushine linger on his prison wall,  
 "And love look in upon his solitude.  
 "The beautiful lesson which our Saviour taught  
 "Through long, dark centuries, its way has wrought  
 "In the common mind and popular thought;

“ And words to which by Gallilee’s lake shore  
 “ The humble fishers listened with hushed oar,  
 “ Have found an echo in the general heart,  
 “ And of the public faith become a living part.”

WM. T. McCOUN, *Pres’t.*

JOHN B. SCOTT,  
 JACOB HAREN, M. D. } Vice *Pres’ts.*  
 BENJAMIN ELLIS,

J. HOPPER, M. D., *Secretary.*

Newspapers friendly to this cause, will please copy this address..

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### WORKS ON CAPITAL PUNISHMENT.

The following works on Capital Punishment may be found at the Office of the Society, (140 Fulton Street, up stairs.)

Burleigh’s Thoughts on the Death Penalty ;  
 O’Sullivan’s Report ;  
 Livingston’s Argument ;  
 Spear’s Essays ;  
 Chapin’s Sermons ;  
 Rantoul’s Letters ;  
 Capital Punishment, the Bible argument examined, by the Rev. H. Christmas, A. M ;  
 Gould’s Report ;  
 Concise Opinion ;  
 Ackley’s Sermons ;  
 Insufficiency of the Death penalty ;  
 Annual Address of the State Society for 1847, etc.

One of the leading objects of the Society, is, the diffusion of knowledge on the subject of the Death Penalty, by the means of such publications as the above. Many of them are distributed gratuitously where they will produce effect. In furtherance of this object pecuniary means are needed. The friends of the cause are requested to contribute to the funds of the Society. A contribution of Ten Dollars will constitute a person a Life Member of the Society. A contribution of one dollar or more annually will constitute a person a member, and entitle the contributer to a proportionate supply of the above publications. By a general attention to these provisions on the part of the friends of the cause, every where, the great object of the Society will soon be accomplished. Address FREEMAN HUNT, (*Editor of the Merchants’ Magazine,*) TREASURER, New York.

10  
and a good many more to follow as the day went on. The  
old men and women were the most numerous, and the  
children were few.

May 20th - The day was very hot and the people were  
few. The old men and women were the most numerous.  
The old men were all dressed in their old blue and  
white striped shirts and blue trousers.

May 21st - The day was very hot and the people were  
few. The old men and women were the most numerous.

May 22nd - The day was very hot and the people were  
few. The old men and women were the most numerous.  
The old men were all dressed in their old blue and  
white striped shirts and blue trousers.

May 23rd - The day was very hot and the people were  
few. The old men and women were the most numerous.  
The old men were all dressed in their old blue and  
white striped shirts and blue trousers.

May 24th - The day was very hot and the people were  
few. The old men and women were the most numerous.  
The old men were all dressed in their old blue and  
white striped shirts and blue trousers.

May 25th - The day was very hot and the people were  
few. The old men and women were the most numerous.  
The old men were all dressed in their old blue and  
white striped shirts and blue trousers.

## FOURTH ANNUAL ADDRESS,

*Of the New York State Society for the Abolition of  
Capital Punishment.*

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At a Meeting of the Society, May 8th, 1848, JAMES H. TITUS, Esq., on behalf of the Executive Committee, presented the following Address, which the Society adopted and ordered to be published:

It is now almost two thousand years since the Saviour came on earth to fulfill his predicted mission, and left his Gospel—the divinely attested record of the will of the Father, and the everlasting promise of reward to individuals who should rule their conduct in life conformably with that revelation. Under a former revelation, many years antecedent to the advent of Christ, the result of his mission on the welfare of society was spoken of, by favored prophets, in these hopeful and consoling words: Isaiah, chap. xi.

Verse 6.—The wolf also shall dwell with the lamb, and the leopard shall lie down with the kid; and the calf and the young lion and the fatling together; and a little child shall lead them.

Verse 7.—And the cow and the bear shall feed; their young ones shall lie down together; and the lion shall eat straw like the ox.

Verse 8.—And the sucking child shall play on the hole of the asp, and the weaned child shall put his hand on the cockatrice's den.

Verse 9.—They shall not hurt nor destroy in all my holy mountain; for the earth shall be full of the knowledge of the Lord, as the waters cover the sea.

Also, Psalm 85:

Verse 10.—Mercy and truth are met together: righteousness and peace have kissed each other.

Long and weary were the years of anticipation experienced by the faithful, before their watchful eyes were greeted by the glorious appearance of the true Messiah—and long and weary has been the experience of his followers in their expectation of those blessed results on the welfare of society foretold by those Prophets. The rich reward predicted as appertaining to individuals for faith in the Saviour and obedience to His precepts has been realized by his true disciple ever since “He walked with man;” but the peaceful state of society and the beneficent character of civil law spoken of by the Prophets, as yet, have had their fulfillment but to a limited and qualified extent. On the contrary, much of the history of civil institutions since the promulgation of Christ’s Gospel

“Bears witness, O thou wronged and merciful one!  
That Earth’s most hateful crimes have in Thy name been done.”

Yet, the predictions of the Prophets still stand ; and the true Christian will not cease to believe that the promises appertaining to civil institutions, in their proper time, will be as fully accomplished as have been those which related to man in his individual capacity. Ever since Christ preached his sermon on the mount, the nearer civil government has conformed to his precepts, as then published, the closer has been the approach toward a fulfillment of the hopeful and consoling promises of the Prophets above quoted ; and it will not occur until statesmen recognize the supremacy of the organic law of the Gospel as implicitly in their judicial halls and legislative chambers, as it is in the temples of public worship, and the closets of private prayer, that any reasonable hope can be entertained for the enjoyment by society of those promises. It is only when acting in conformity with Christ's precepts that individuals attain the state of beatitude predicted as in store for them ; and thus, also, must governments legislate and rule before they can realize the promises of Prophecy.

"The New York State Society, for the Abolition of Capital Punishment," recognizes in its Constitution these gospel truths, and designs always to regulate its action on principles strictly in conformity therewith. It therefore selects this week, in concert with various Christian associations throughout the state and nation, to celebrate its anniversary—and, notwithstanding the uncharitable taunts heretofore cast upon it, still will claim for itself the credit of as much disinterested philanthropy, and of as much sincere Christian impulse, as may be awarded to any other association holding its anniversary at this time in our city.

During this week Societies for the distribution of Bibles, for the establishment of missions, for the suppression of American and foreign slave dealing, for the support of Sunday Schools, for the promotion of African Colonization, for the distribution of Tracts, for the education of the Blind and the Deaf and Dumb, for the melioration of the condition of the Jews, for the promotion of Temperance, for the encouragement of the sacred observance of the Sabbath, and many other humane and religious societies, in holding their anniversaries, will deservedly excite great interest among our citizens, and attract much of their attention. We award to each and all the full meed of praise to which they are entitled, and we wish them God's speed in their respective enterprises, but we, at the same time, will claim for our anniversary the right to excite as great interest and to attract as much attention ; and we think we are entitled, alike with those Societies, to our meed of praise and to the good wishes of the community for the success of our humane enterprise. We, however, do not at this time expect to receive our due in either of these particulars ; as yet the prejudice of pre-conceived opinions—the force of a habit of thought, and the arbitrary rule of sectarian education, all combine to prevent a just appreciation of our motives or a proper apprehension of the nature of the reform we advocate. The Society, although not enjoying the benign influence of encouragement from fellow Christian associations, to the extent it deserves, still has never had occasion to feel disheartened in its phi-

lanthropic efforts. From the date of its organization each successive year has yielded an increased amount of flattering hopes.

We have been instrumental from year to year, not only in the Legislature of our own State but also in many others, of having the subject of Capital Punishment seriously entertained, and, in frequent instances, elaborately discussed ; and we have the satisfaction of knowing that in proportion as we succeed in bringing the attention of legislators to the nature and effect of the Death Penalty, just so fast do we gain converts to our cause ; and the same remarks applies to individuals in society. This shows that the public mind is well prepared for the dissemination of our views—we may say we have found it ready and eager to reach the conviction under which we act, that the horrid outrage committed on our natural sympathies in the execution of a fellow-being, be he ever so great a criminal, is as uncalled for by scripture or gospel precepts as it has been proved needless for the protection of society.

Previous to the present century the advocacy of the Abolition of Capital Punishment was confined within very narrow limits and to a few individuals. Now it has become a regular subject of discussion in the Legislative Councils of every Christian State and Nation ; and among its advocates are found many of the most prominent Statesmen, Philanthropists, Clergymen, and Jurists of the age. A qualification, however, must be made to this remark, so far as it applies to the clergymen of *this* country. Heretofore that respected class of our citizens, with some conspicuous and honorable exceptions, have generally arranged themselves in the defence of the extreme punishment, whereby our opponents have enjoyed an adventitious aid, and we have experienced some disappointment. We felt that we had a right to claim the Clergy as the natural allies of the advocates of the Abolition of the Death Penalty—and such they, in an efficient measure, have proved themselves to be throughout Europe, and such we yet hope to find them here when they lay aside the prejudice of education, and base their opinions solely upon an independent investigation of the subject, and upon a more free exercise of private judgment.

The Recording Secretary of our Society has received lately a letter from one of the Secretaries of the London Society, in which, among many encouraging accounts, he says : “ The cause looks well in England ; we have a great accession of strength in Parliament, and shall put the same to the test in two or three weeks by proposing the subject of total repeal for legislative consideration. Farther, we have gained more than half of the clergy of all denominations, and we have the middle classes with us almost to a man.”

The head of that church which for centuries has exercised a much more extensive dominion than any other—of that church which for many years, through the medium of the Bloody Inquisition, strove to aggrandize its spiritual and temporal power by hecatombs of human victims—now solemnly expresses his doubts both as to the right and expediency of capital punishment for any offence. Pope Pius IX, in his liberal and enlightened course of political and moral reform, earnestly avows his full sympathy in sentiment with those who advocate

the total repeal of the Death Penalty; and Father Mathew, the indefatigable philanthropist and skillful reformer of the age, also contributes the force of his eloquence and the weight of his distinguished name toward the promotion of our cause.

In France the abolition is already effected, so far as the penalty applied to political offenders; and that great and good man Lamartine—the Washington of his country—gives the full power of his wisdom and of his moral character in aid of the advocacy of the total abolition of Capital Punishment.

Tuscany has again erased from her statute book every vestige of blood, and her citizens have destroyed every implement heretofore used in the perpetration of judicial murders.

In Belgium, (says Dr. Patterson in an interesting article lately published on this subject,) the cause has many learned and distinguished advocates. From Berlin, we learn that in the commission appointed to revise the criminal code of Prussia, five out of the twelve members were in favor of reporting a system in which capital punishment should not appear. Russia continues the policy established by the Empress Elizabeth, and the present Vice President of the United States—himself an ardent supporter of the Abolition—and recently our Minister at St. Petersburg, testifies to its practical advantages, and the unanimous approval of its workings by the jurists of that country. Prince Oscar of Sweden, an honor to royalty, has lately issued a work on penal discipline, in which he urges the abandonment of the penalty of death.

In the United States, as yet, the total abolition has only been effected in the distinguished and enviable instance of the State of Michigan; but the effect of the advocacy of one humane reform, has been such as to curtail the sway of the hangman within very narrow limits. The progress already effected is a sure earnest of the early and full accomplishment of our desired object; and when we reflect how rapidly public opinion is becoming released from the thraldom of prejudice, and of a superstitious reverence for a prescribed acceptation of a single text of the Old Testament, and how cheerfully it inclines to the more reasonable and humane translation of the same, and also to our more Christian-like application of Gospel precepts—then it is that we have good ground to believe that we can perceive the dawn of that day in which will be realized the results of the Messiah advent, appertaining to civil institutions as predicted by the holy prophets quoted in the first part of this address. How much more Christian-like public opinion of the present day, in this State, is, with reference to corporeal and capital punishments, than formerly, may be realized from the consideration of the record of the fact, that the Legislature, “on the 8th day of March, 1808, passed a law inflicting death for a crime which antecedently subjected the offender to imprisonment for life, and authorised whipping for petit larceny.” But at the same time let it be mentioned, to the honor of our then Governor—the humane, patriotic, and enlightened Tompkins—that he embraced the opportunity of his message to the Senate and Assembly on the first day of November following, to express his abhorrence of the spirit of such legislation,

and also his doubts as to the right or expediency of it. At a subsequent date, in another of his annual Messages, his generous heart and sound judgment, dictated the following eloquent passage and noble sentiment :

“ On a former occasion, I had the honor to communicate to the Legislature my ideas of Corporeal and Capital Punishments. I shall not, therefore, dwell upon that theme now, longer than to repeat that I have always entertained serious doubts of the right of society to take away life in any case. That such extreme and vindictive punishment is by no means indispensable for the preservation of the social compact, or for the peace and security of society ; and that it is offensive and repugnant to those sympathetic emotions, those beneficent virtues, and that refinement of policy and of reason which adorn civilized and free communities. If, by inviting your reflection once more to this interesting topic, I shall be so fortunate as to subserve the cause of humanity, by effacing from our revised code that vestige of barbarism, it will be to me a source of high and durable satisfaction.” Thus we learn that the Abolition of Capital Punishment was first suggested to the Legislature of this State, by our lamented and revered Tompkins.

Shortly after this, our country became involved in the second war with Great Britain, and the usual debasement of public morals incident to a state of warfare prevented for many years any serious agitation of the question, either in society or in the halls of legislation. What cause for congratulation have we, who, in the place of such moral darkness as characterized those times, are now freely enjoying, in our course of legislation, “ the mild sunshine of the gospel day”—and who, instead of encouraging the barbarous spirit of vindictiveness, as manifested in the laws referred to by Governor Tompkins, feel it to be alike our duty and our pleasure, to use our influence for the melioration of the condition of the criminal, and to let

“ Hope’s sunshine linger on his prison wall,  
And Love look in upon his solitude.”

This society during its short existence has distributed throughout the Union an immense number of documents, reports, essays, and statistical statements relative to the subject of Capital Punishment. It has furnished to each member of the Legislatures of Iowa, Pennsylvania, New Jersey, Rhode Island, Connecticut, and Delaware, and to various individuals in the other states, the argument of E. Livingston, addressed to the Legislature of Louisiana, the address of Hon. Charles Mason, Chief-Justice of Iowa, and various other documents. It is daily applied to from every section of the country for such supplies, to which it cheerfully responds according to its abilities. But its funds and its abilities to do the service required are not in correspondence with the extent of the demands made. The expense and labor has fallen heavily upon individuals—too much so for their convenience, however willing they may be in spirit. It is, therefore, earnestly solicited of those friends of the cause who, as yet, have not contributed their quota of funds and of services, that they would be prompt in doing what they

may feel able and willing to do toward the promotion of our good cause.

The Executive Committee are unwilling to close this Address without acknowledging the obligations which the Society is under to Freeman Hunt, Esq., of this city, for his liberal donation of a large edition of "Edward Livingston's Argument," and also for his efficient personal services, rendered from the commencement of the Society's operations—and especially for his valuable and gratuitous aid in the capacity of Treasurer.

The friends of the cause are requested to make their contributions through him, at his office, No. 142 Fulton Street.

The Executive Committee also desire to make known to the Society and to the friends of the cause the efficient services, gratuitously rendered, during the whole period of the Society's existence, by Josiah Hopper, M. D., as Recording Secretary. Those who wish information or documents on the subject, will please address him at the office of the *Merchants' Magazine*, New-York.

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*The following is a list of the officers for the ensuing year:*

*President*—HON. WM. T. McCOUN.

*Vice Presidents*—HON. JOHN B. SCOTT, BENJAMIN ELLIS, JACOB HARENSEN, M. D., JAMES H. TITUS.

*Treasurer*—FREEMAN HUNT.

*Foreign Corresponding Secretaries*—J. L. O'SULLIVAN, REV. W. S. BALCH.

*Domestic Corresponding Secretary*—GEORGE E. BAKER.

*Recording Secretaries*—JOSIAH HOPPER, M. D., HENRY W. SMITH.

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